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MEMORANDUM

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TO : All Agency Records Officers

**FROM : Assistant Archivist for
Federal Records Centers - NM**

SUBJECT : Retention of Procurement Records Involved in Claims

On May 13 the Assistant Attorney General of the Civil Division, Department of Justice, wrote to most agencies stating that in many instances contract files involved in claims were being prematurely destroyed to the detriment of the Government in cases brought before the Court of Claims. A copy of the letter is attached.

We have discussed the matter with officials of the Department of Justice. The Department has no basic quarrel with the 6-year retention period in Item 4 of General Records Schedule 3 as long as the records needed to defend the Government against claims are available. Page 1 of the schedule requires, as you recall, that records involved in claims be kept as long as they are needed regardless of authorized retention periods.

The Department of Justice feels, and we agree, that the matter should forcefully be brought to the attention of the procurement people in the departments and agencies. We suggest that this be done, and that action be taken along the following lines:

1. When a claim has been filed on a procurement action or when there is a reasonable expectation that a claim is about to be filed, all pertinent records should be segregated from other procurement files. If any pertinent records are in a Federal Records Center, the Center should be asked to hold them until further notice.
2. Agency records officers should ensure that records retained in connection with potential claims are not kept indefinitely if no claim is filed.
3. When files in the custody of a Federal Records Center are no longer to be earmarked for indefinite retention because a claim has been adjudicated or has not been filed, the Center should be advised.

This memorandum has been coordinated with the officials involved in the Department of Justice. The suggested actions, if taken, will be considered as compliance with the Department of Justice letter of May 13.

Enclosure

Walter V. Angel